



*The Town of Leesburg*  
**INTEROFFICE MEMORANDUM**

To: John Wells, Town Manager

From: Susan Berry-Hill, Director of Planning & Zoning  
Debi Parry, Planning and Zoning Assistant

Date: September 23, 2013

Subject: H-1 Overlay District Zoning for Paxton Property (Carlheim)

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**Background:** In 2004, representatives of the Margaret Paxton Memorial for Convalescent Children Board of Trustees met with staff to discuss the potential demolition and sale of their individually listed National Historic Register property located on Catoctin Circle NE. Given the historic status of the property and its contributions to Leesburg, the Town Council asked the Board of Architectural Review (BAR) to provide a recommendation as to whether the property should be incorporated into the H-1 Old and Historic District to provide additional oversight and protection.

On April 19, 2004 the BAR forwarded a recommendation to Council that the property be included in the H-1 Old and Historic District. In its recommendation, the BAR cited the property's significant character, distinctive architectural style and its mix of residential and agricultural buildings making it unique to Leesburg. The same evening, the Town Council held a special meeting at which two citizens spoke in favor of preserving the property and Resolution 2004-54 was passed to initiate the rezoning process.

On May 25, 2004, the Town Council and Planning Commission held a joint public hearing to consider amendments to the Zoning Ordinance and Zoning Map (ZOAM-2004-0001 and TLZM-2004-0004) regarding the Paxton property. At the public hearing, 15 of the 16 speakers expressed support for Council action. Speakers included citizens, a representative from the State Historic Preservation Office and the Loudoun Restoration and Preservation Society. Additionally, one citizen presented a petition with 770 signatures on behalf of The Friends of Saving Paxton. Upon conclusion of the public hearing, the Planning Commission unanimously recommended approval of the proposed amendments and Town Council adopted Ordinance 2004-O-05 approving the expansion of the Historic District.

On July 12, 2013, the BAR received an application (TLHP-2013-0113) for demolition of the contributing stone and frame barn on the Paxton Property. Having suffered from neglect, the structure is in a precarious state but can be saved according to an engineering report submitted by the applicant and inspection by a heavy timber contractor. Staff and the BAR are working with the applicant and owners of the property on a potential

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adaptive reuse of the structure and a work session discussion is currently scheduled for October 7. The demolition application was pulled by the applicant from the September 16, 2013 BAR agenda; however, it is still an active application and has not been formally withdrawn.

**Concern:** This past summer the BAR reviewed an application for construction of an outdoor pavilion on the Paxton property. There was much discussion about the pavilion including debate about the proposed materials and the structural integrity of the pavilion. The application was approved at the meeting; however, Council Member Dunn expressed concern to the BAR at the conclusion of the meeting about whether a relatively small structure such as this warranted the extensive debate and discussion that it was given by the BAR. As such, Mr. Dunn suggested that perhaps the Paxton property should be taken out of the H-1 district. Mr. Dunn subsequently raised this question during a Council meeting.

Staff notes that the manor house and barns on the Paxton property are each, in their own right, contributing structures to the historic district. The H-1 overlay district provides a layer of protection for such properties whereas State and Federal recognition of significant properties does not. It is local regulation that offers protection against demolition, inappropriate alterations or additions. As such, staff does not recommend that Paxton be taken out of the H-1 district.

However, staff suggests that Council consider the review process for minor additions (such as sheds or pavilions) or alterations (such as paint color) and whether such property improvements could be assigned to staff for administrative review and approval. If Council agrees that this is something that should be investigated, staff could be directed to look at expanding the things that could be addressed through an administrative review. This discussion should be scheduled for a Council work session. Ultimately such a change would require an amendment to the Zoning Ordinance.